



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

SMC  
Docket No: 08043-99  
2 March 2000

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: SGT [REDACTED], USN [REDACTED]  
REVIEW OF NAVAL RECORD

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 dtd 17 Dec 99 w/attachments  
(2) HQMC memo 1070 MI dtd 23 Feb 00  
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected by removing the service record book (SRB) page 11a ("Administrative Remarks") counseling entry dated 28 July 1995 (copy at Tab A of enclosure (1)).

2. The Board, consisting of Messrs. Pfeiffer and Zsalman and Ms. Schnittman, reviewed Petitioner's allegations of error and injustice on 2 March 2000, and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. In correspondence attached as enclosure (2), the Headquarters Marine Corps office having cognizance over the subject matter addressed in Petitioner's application has commented to the effect that the request has merit and warrants favorable action.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting the following corrective action.

## RECOMMENDATION:

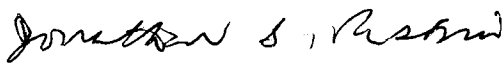
a. That Petitioner's naval record be corrected by removing the SRB page 11a ("Administrative Remarks") counseling entry dated 28 July 1995. In accomplishing this action, the SRB page 11a on which the entry in question appears is to be reconstructed in accordance with the Marine Corps Individual Records Administration Manual.

b. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

c. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN  
Recorder

  
JONATHAN S. RUSKIN  
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

  
For W. DEAN PFEIFFER  
Executive Director



DEPARTMENT OF THE NAVY  
HEADQUARTERS UNITED STATES MARINE CORPS  
3280 RUSSELL ROAD  
QUANTICO, VIRGINIA 22134-5103

04043-99

IN REPLY REFER TO:

1070

MI

23 FEB 2000

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Subj: BCNR APPLICATION IN THE CASE OF SERGEANT [REDACTED]  
[REDACTED] USMC

1. We reviewed Sergeant [REDACTED] application concerning his request for removal of the Administrative Remarks page 11 entry dated 950728 from his service records.
2. MCO P1070.12H, Marine Corps Individual Records Administration Manual (IRAM), authorizes commanders to make entries on page 11 which are considered matters forming an essential and permanent part of a Marine's military history, which are not recorded elsewhere in the Service Record Book (SRB), medical records, or the Marine's automated record and will be useful to future commanders.
3. One of the many leadership tools that a commander has at their disposal is counseling and rehabilitation for their Marines. Marine Corps policy is that reasonable efforts at rehabilitation should be made prior to initiation of separation proceedings and that commander is authorized to document those efforts by a page 11 counseling entry per the IRAM. The Marine Corps Separation Manual, paragraph 6105, sets forth policy pertaining to counseling and rehabilitation. In cases involving unsatisfactory performance, pattern of misconduct, or other bases requiring counseling under paragraph 6105, separation processing may not be initiated until the Marine is counseled concerning deficiencies, and afforded a reasonable opportunity to overcome those deficiencies as reflected in appropriate counseling and personnel records. All reasonable efforts at rehabilitation should be made prior to initiation of separation proceedings.
4. The following comments concerning the page 11 entry dated 950728 are provided:
  - a. The counseling entry does meet the elements of a proper page 11 counseling in that it lists specific deficiencies and recommendations for corrective action, where assistance can be found and states that the Marine was provided the opportunity to make a rebuttal statement. The Marine must annotate whether or not they choose to make such a statement and if made, a copy of the statement is filed in the service record. Sergeant [REDACTED] acknowledged the counseling entry by his signature and further declined to make a statement in rebuttal.

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[REDACTED] USMC

b. Sergeant [REDACTED] states that the page 11 entry is in error or unjust because "it does not provide for the extenuating circumstances at the time."

c. Sergeant [REDACTED] wife was experiencing medical problems with her pregnancy and was hospitalized for immediate medical attention.

d. Sergeant [REDACTED] had used appropriate protocol by informing his supervisor, former Gunnery Sergeant [REDACTED] of his personal dilemma.

e. Sergeant [REDACTED] provides as documentary evidence in support of his claim that he was subjected to "extenuating circumstances at the time.", statements from his former supervisor, Master Sergeant [REDACTED] and another superior, a Gunnery Sergeant [REDACTED].

f. The instruction from former Gunnery Sergeant [REDACTED] "...to come in the next morning and fill out a leave chit and I could go." and subsequent instruction from Gunnery Sergeant [REDACTED] "walk the leave chit through." has the appearance of setting the stage for an incident to occur. In any similarly stressful situation, it is possible for an outstanding young Marine to fail to exercise sound judgment when his primary objective is to expeditiously return to his wife.

g. Sergeant [REDACTED] should not be required to endure the entire responsibility in conforming to the command's administrative checkout procedures when it appears that he was under the impression that once he reported to work the next day, he could depart immediately on authorized leave of absence to be with his wife. Sergeant [REDACTED] supervisor should have exercised his authority by getting personally involve and 'take care of his Marine', completing all mundane administrative requirements prior to Sergeant [REDACTED] arrival.

h. Sergeant [REDACTED] leave request was not of routine administrative nature that should require completing the command's administrative leave request procedures, "all members must be current in all medical requirements", before departing on his leave of absence. Sergeant [REDACTED] leave request qualified as emergency leave and should have been eligible for a waiver of those prerequisites.

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[REDACTED] USMC

i. Sergeant [REDACTED] and his wife were expecting the birth of their first child, yet his wife's medical condition was failing which forms the basis of his problem. The command's administrative procedures exacerbated this problem which resulted in this temporary absence of sound judgment.

j. Sergeant [REDACTED] record portrays one that is not the caliber of a Marine who has a history of conduct or performance deficiencies that would require rehabilitative efforts by his command nor require his Commanding Officer to document these efforts by making a page 11 entry.

5. As stated in paragraph 4a above, the page 11 counseling entry dated 950728 meets all the elements of a proper page 11 entry. However, in view of the above, it is recommended that Sergeant [REDACTED] request for removal of the page 11 counseling entry be approved.

6. Point of contact is [REDACTED]

[REDACTED]  
Head, Field Support Branch  
Manpower Management Information  
System Division